

UNOFFICIAL COPY OF HOUSE BILL 964

HOUSE BILL 964

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CF SB 635

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By: **Delegates Boafo, Charkoudian, Fair, Fennell, Foley, Grossman, Harris, Hill, Holmes, Lehman, R. Lewis, J. Long, McCaskill, Pasteur, Patterson, Pena-Melnyk, Queen, Roberson, Ruth, Smith, Taveras, Taylor, Toles, Turner, White Holland, Wilkins, Williams, Woods, and Young**

Introduced and read first time: February 2, 2024

Assigned to: Environment and Transportation

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A BILL ENTITLED

1 AN ACT concerning

2 **Landlords and Prospective Tenants - Residential Leases - Criminal History**  
3 **Review**  
4 **(Maryland Fair Chance in Housing Act)**

5 FOR the purpose of altering the number of years of criminal history that are reviewed in a  
6 certain reusable tenant screening report; establishing certain prohibitions and  
7 limitations on the review and consideration of a prospective tenant's criminal  
8 history; requiring a landlord that denies the lease application of a prospective tenant  
9 to provide the individual with a certain document stating the reasons for the denial; establishing that  
a violation of certain provisions of this Act is an unfair, abusive, or deceptive trade practice under  
the Consumer Protection Act; establishing that a landlord may not be held liable in a civil action under  
certain circumstances;  
10 and generally relating to landlords and prospective tenants and criminal history.

BY repealing and reenacting, with amendments,

Article - Commercial Law  
Section 13-301(14)(xl)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article - Commercial Law  
Section 13-301(14)(xli)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2023 Supplement)

BY adding to

Article - Commercial Law  
Section 13-301(14)(xlii)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article - Real Property  
13 Section 8-218(a)  
14 Annotated Code of Maryland  
15 (2023 Replacement Volume)

16 BY repealing and reenacting, with amendments,  
17 Article - Real Property  
18 Section 8-218(b)(2)(i)  
19 Annotated Code of Maryland  
20 (2023 Replacement Volume)

21 BY adding to  
22 Article - Real Property  
23 Section 8-220



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1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

Article - Commercial Law13-301.Unfair, abusive, or deceptive trade practices include any:(14) Violation of a provision of:(xl) Title 14, Subtitle 13 of the Public Safety Article;[or](xli) Title 14, Subtitle 45 of this article; or(XLII) SECTION 8-220 OF THE REAL PROPERTY ARTICLE; OR

3

**Article - Real Property**

4 8-218.

5 (a) In this section, "reusable tenant screening report" means a report prepared  
6 within the previous 30 days by a consumer reporting agency at the request and expense of  
7 a prospective tenant and made directly available to a prospective landlord at no charge for  
8 use in the rental application process.

9 (b) A reusable tenant screening report shall contain the following information  
10 regarding a prospective tenant:

11 (2) For each jurisdiction indicated as a prior residence of the prospective  
12 tenant, regardless of whether the residence is reported by the prospective tenant or by a  
13 consumer reporting agency preparing a consumer report:

14 (i) A comprehensive criminal history records check for all federal,  
15 state, and local charges against and convictions of the prospective tenant over the previous  
16 [7] 3 years; and

17 **8-220.**

18 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**  
19 **LANDLORD MAY NOT REQUIRE A PROSPECTIVE TENANT TO DISCLOSE ANY CRIMINAL**  
20 **HISTORY IN AN APPLICATION FOR A LEASE.**

21 **(2) A LANDLORD MAY REQUIRE A PROSPECTIVE TENANT TO**  
22 **DISCLOSE WHETHER THE INDIVIDUAL IS REQUIRED TO REGISTER AS A SEX**  
23 **OFFENDER UNDER FEDERAL OR STATE LAW.**

24 **(B) A LANDLORD MAY NOT REVIEW OR REQUEST A THIRD PARTY TO REVIEW**  
25 **MORE THAN THE PREVIOUS 3 YEARS OF ANY CRIMINAL HISTORY OF A PROSPECTIVE**  
26 **TENANT.**

27 **(C) A LANDLORD MAY NOT PUBLISH OR CAUSE TO BE PUBLISHED ANY ORAL**  
28 **OR WRITTEN STATEMENT THAT WOULD REASONABLY DISCOURAGE A PROSPECTIVE**  
29 **TENANT WITH A CRIMINAL HISTORY FROM APPLYING FOR A LEASE.**

30 **(D) A LANDLORD THAT DENIES THE LEASE APPLICATION OF A PROSPECTIVE**  
31 **TENANT SHALL PROVIDE THE INDIVIDUAL WITH A PHYSICAL DOCUMENT STATING**  
32 **WITH PARTICULARITY EACH REASON FOR THE DENIAL.**

**(E) A VIOLATION OF THIS SECTION IS AN UNFAIR, ABUSIVE, OR DECEPTIVE**  
**TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW**  
**ARTICLE.**

**(F) A LANDLORD THAT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION MAY NOT BE HELD LIABLE IN A CIVIL ACTION FOR DAMAGES ALLEGEDLY ARISING OUT OF THE LANDLORD'S:**

**(1) FAILING TO REVIEW OR REQUESTING A THIRD PARTY TO REVIEW THE CRIMINAL HISTORY OF A PROSPECTIVE TENANT; OR**

**(2) LEASING TO A TENANT WITH A CRIMINAL HISTORY.**

SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application of any provision of this Act to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

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1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2 1, 2024.